

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-cv-24066-KMM

GRACE, INC., et al.,

Plaintiffs,

-vs-

CITY OF MIAMI,

Defendant.

DEPOSITION OF: CLARICE COOPER

DATE: Monday, October 9, 2023

TIME: 9:00 a.m. - 12:30 p.m.

PLACE: GRAY ROBINSON, P.A.

333 SE 2nd Avenue

Suite 3200

Miami, Florida 33131

STENOGRAPHICALLY

REPORTED BY: VANESSA OBAS, RPR

A P P E A R A N C E S:

CHRISTOPHER J. MERKEN, ESQUIRE

OF: DECHERT LLP

929 Arch Street

Philadelphia, Pennsylvania 19104

christopher.merken@dechert.com

-and-

CAROLINE ANDREWS MCNAMARA, ESQUIRE

OF: ACLU OF FLORIDA

4343 W Flagler Street

Suite 400

Miami, Florida 33134

cmcnamara@aclufl.org

APPEARING ON BEHALF OF THE PLAINTIFF(S)

GEORGE T. LEVESQUE, ESQUIRE

OF: GRAY ROBINSON, P.A.

301 S Bronough Street

Suite 600

Tallahassee, Florida 32301

george.levesque@gray-robinson.com

APPEARING ON BEHALF OF THE DEFENDANT

- - -

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It is hereby stipulated and agreed by and between the counsel for the respective parties and the deponent that the reading and signing of the deposition transcript be reserved.

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P R O C E E D I N G S

THE COURT REPORTER: Please raise your right hand.

Do you solemnly swear or affirm that the testimony you're about to give in this cause is the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

THEREUPON

CLARICE COOPER

was called as a witness and, having first been duly sworn, testified as follows:

THE COURT REPORTER: Thank you.

DIRECT EXAMINATION

BY MR. LEVESQUE:

Q. Good morning, Ms. Cooper. My name is George Levesque. I represent the City of Miami in this case. Obviously, you're a plaintiff.

Before we get started, have you ever been deposed before?

A. No.

Q. Okay. Have you ever testified in court before?

A. No.

Q. Okay. What I'm going to do is I'm going to go over some of the ground rules. So far, you've been

1 doing great.

2 One of the things that's happening while we're
3 talking this morning is the court reporter is taking
4 down everything we say. Occasionally, they can get like
5 a head nod or a headshake, but what will really help her
6 transcribe what we're saying, if you answer audibly.

7 So if there's a "yes" or a "no," I might sit
8 here and look at you and see you nodding your head or
9 shaking your head and understand exactly what you mean,
10 but if I say, "Is that a 'yes'?" I'm not doing it to be
11 rude.

12 A. Uh-huh.

13 Q. I'm just trying to make sure we get it for the
14 record.

15 And I'm probably not going to be the best at
16 it. Your counsel probably will be more alert to it
17 because sometimes I just get lost in the conversation.

18 I also tend to talk low and sometimes I talk
19 fast. So if there's ever a time where you don't
20 understand what I said or didn't understand my question,
21 please ask me to repeat it. If you answer the question
22 that I asked, I'm going to assume that you understood
23 the question. Is that fair?

24 A. Yes.

25 Q. Okay. And you understand that you're under

1 oath?

2 A. Yes.

3 Q. Are you under any medication that would impair
4 your ability to testify this morning?

5 A. No.

6 Q. And this is not intended to be the Spanish
7 Inquisition. If at any point you need to take a break,
8 please let me know. We've got bathrooms right around
9 the corner. But one of the things that I will ask is,
10 if there's a question pending, let's go ahead and answer
11 that question and then we can take a break. This way,
12 the record is clean.

13 At different times I may ask a question that
14 might be poorly worded or a question that your counsel
15 doesn't like. Go ahead and let him get his objection on
16 the record, and then I might ask you to answer the
17 question. I might have a colloquy with your counsel to
18 ask him, you know, about his objection to maybe clarify
19 my question for you.

20 At different times he may instruct you not to
21 answer. I can't give you legal advice, but generally I
22 would advise that people follow the advice of their
23 counsel.

24 What did you do to prepare for this deposition?

25 A. Reread notes.

1 Q. Okay. And when you say "reread notes," what
2 notes were you referring to?

3 A. The complaint that was filed.

4 Q. Okay. And there have been three versions of
5 complaints that have been filed. There was the initial
6 complaint, the first amended complaint, and the
7 supplemental complaint.

8 Which complaints did you review?

9 A. Probably the latter.

10 Q. Okay.

11 A. The latter.

12 Q. Okay. Would that be the supplemental
13 complaint?

14 A. Yes.

15 THE COURT REPORTER: I'm sorry. Before we
16 start, may I take appearances for the record?

17 MR. LEVESQUE: Oh, yes.

18 George Levesque on behalf of the City of Miami.

19 MR. MERKEN: Christopher Merken on behalf of
20 Ms. Cooper and the plaintiffs.

21 MS. MCNAMARA: Caroline McNamara on behalf of
22 Ms. Cooper and the plaintiffs.

23 THE COURT REPORTER: Okay. Thank you.

24 BY MR. LEVESQUE:

25 Q. Other than the complaint, did you look at any

1 other documents?

2 A. No.

3 Q. Other than your attorneys, did you speak to
4 anyone else about this deposition?

5 A. No.

6 Q. And I know you're not supposed to ask a woman
7 her age, but can you let us know when you were born --
8 your birthday.

9 A. [REDACTED].

10 Q. And where were you born?

11 A. Miami, Florida.

12 Q. And are you a lifelong resident of Miami?

13 A. Yes, I am.

14 Q. So you've seen a lot of changes over the years,
15 then?

16 A. Yes.

17 Q. But what is your highest level of education?

18 A. Bachelor's degree.

19 Q. And where is that from?

20 A. Howard University in Washington, D.C.

21 Q. And what is your degree in?

22 A. Political science.

23 Q. Okay. And are you married?

24 A. No.

25 Q. Have you ever been married?

1 A. No.

2 Q. Any children?

3 A. No.

4 Q. Are you currently employed?

5 A. No. Retired.

6 Q. Where did you retire from?

7 A. "Miami Herald."

8 Q. Okay. And what did you do at the "Miami
9 Herald"?

10 A. I was account executive in the advertising
11 division.

12 Q. And how long were you employed at the "Miami
13 Herald"?

14 A. 29 years.

15 Q. Okay. And when did you retire?

16 A. 2013.

17 Q. Have you ever been arrested?

18 A. No.

19 Q. Have you ever been charged with a crime?

20 A. No.

21 Q. Have you ever been a plaintiff in a lawsuit
22 before?

23 A. In an administrative complaint, I have.

24 Q. And what was that administrative complaint
25 relating to?

1 A. The trolley barn on the corner of where I live
2 in Coconut Grove.

3 Q. And can you provide a little more information
4 about that.

5 A. That was for the residents in my neighborhood,
6 including myself. We objected to the construction of a
7 trolley barn. We were in the city of Miami. The City
8 of Coral Gables wanted to put the trolley barn in our
9 neighborhood, and we objected to it because of all of
10 the negative ramifications that it was going to cause.

11 So I was asked -- there were other lawsuits as
12 well. I was asked to file an administrative complaint
13 with the department of transportation.

14 Q. Okay. And how did that administrative
15 complaint resolve?

16 A. We didn't get the trolley barn there anymore.

17 Q. Okay. So you were successful, then?

18 A. Yes.

19 Q. Okay.

20 MR. MERKEN: Ms. Cooper, just if you can wait
21 for him to finish his question --

22 THE WITNESS: Oh.

23 MR. MERKEN: -- completely, just so that the
24 court reporter has the --

25 THE WITNESS: Okay. I'm sorry.

1 MR. MERKEN: I just wanted to -- I just wanted
2 to make sure.

3 MR. LEVESQUE: And, Ms. Court Reporter, I'll do
4 my best not to speak over her.

5 THE COURT REPORTER: Sure.

6 BY MR. LEVESQUE:

7 Q. Were there any other lawsuits that you were
8 involved with as a plaintiff?

9 A. No.

10 Q. What about as a defendant?

11 A. No.

12 Q. And what is your current address?

13 A. 3735 Oak Avenue, Miami, Florida 33133-4806.

14 Q. And how long have you resided at that address?

15 A. Since 1981.

16 Q. And in relation to the current 2023 enacted
17 plan -- and I'm talking about the plan that the City
18 passed earlier this year -- I'll refer to that as the
19 "2023 plan" -- what district do you reside in, in that
20 plan?

21 A. District 2.

22 Q. Okay. And in the 2022 plan that the Court also
23 preliminarily enjoined that the City passed back in
24 March 2022, what district did you reside in, in that
25 plan?

1 A. District 2.

2 Q. And in the 2013 plan that was in force from
3 2013 through 2022, what district did you reside in?

4 A. District 2.

5 Q. And have you resided in District 2 ever since
6 the City first drew districts?

7 A. Yes.

8 Q. So that would start with the 1997 plan?

9 A. (Witness nodding.)

10 Q. Proceeding to the 2023 plan?

11 A. Yes.

12 Q. Do you have any plans to move in the near
13 future?

14 A. No.

15 Q. And where are you registered to vote?

16 A. Precinct?

17 Q. Oh, no. Just the -- the area that you're --
18 are you registered to vote in the city of Miami?

19 A. Yes.

20 Q. Are you registered to vote at the 3735 Oak
21 Avenue address?

22 A. Yes.

23 Q. Is that the address that's reflected on your
24 driver's license?

25 A. Yes.

1 Q. And are you registered under Caroline Cooper?

2 A. Clarice.

3 Q. Clarice. I apologize.

4 A. That's okay.

5 Yes.

6 Q. We're talking to Ms. Donaldson this
7 afternoon --

8 A. I know.

9 Q. -- and if the names are similar --

10 A. Right.

11 Q. Have you ever been registered to vote under a
12 different name?

13 A. No.

14 Q. Okay. Ms. Cooper, I am going to show you a
15 document. And I don't know if I'm going to mark it as
16 an exhibit yet or not, but I'm going to give you a
17 moment to look at that document.

18 MR. LEVESQUE: We can go off the record while
19 she looks at the document.

20 THE COURT REPORTER: Sure.

21 (A discussion was held off the record.)

22 MR. LEVESQUE: Back on record.

23 BY MR. LEVESQUE:

24 Q. Ms. Cooper, have you had the opportunity to
25 review that document?

1 A. Yes.

2 Q. Have you seen that document before?

3 A. Yes.

4 Q. Did you see that document before it was filed
5 with the court?

6 A. No.

7 Q. If I could refer you to page 5, paragraph 25.

8 And there, in that sentence, it says "Plaintiff
9 Clarice Cooper is a Black resident of the West Grove in
10 District 2."

11 Do you agree with that statement?

12 A. Yes.

13 Q. It references "the West Grove".

14 What is the West Grove to you?

15 A. Well, the City of Miami's police department has
16 five districts in which they identify how they're going
17 to command those areas, and we happened to be in Coconut
18 Grove, and then the Coconut Grove district is broken
19 down into different districts, and we happened to be in
20 the West Grove district. And that was something that
21 was -- a designation that was given maybe about 20 years
22 ago or so. And the area became to be known as West
23 Grove.

24 Q. And let me ask you about that.

25 There's -- and you'll have to bear with me

1 because I'm not from Miami. But you mentioned the West
2 Grove and other parts of Coconut Grove. What are the
3 other parts of Coconut Grove that you would recognize?

4 A. South Grove, Center Grove, North Grove.

5 Q. Any other parts?

6 A. There's a part that goes towards Mercy
7 Hospital.

8 Q. And that's different than West, South, Center,
9 and North?

10 A. Right.

11 Q. Okay.

12 A. Yes.

13 Q. Are there any parts of The Grove that you would
14 recognize? Other than West Grove, South Grove --

15 A. No.

16 Q. -- Center Grove, North, and the part that goes
17 to the Mercy Hospital?

18 A. Well, the Center part being -- including the
19 commercial area -- primarily commercial area, which we
20 call "The Village".

21 Q. Okay. And those five areas that you just
22 described, are those the five districts -- like, police
23 districts that you referenced?

24 A. Primarily, yes.

25 Q. Okay. You would agree that there are probably

1 other ways that The Grove could be broken up as well,
2 wouldn't you?

3 A. Yes.

4 Q. And would you also agree that the boundaries of
5 what constitutes Coconut Grove as a whole are not
6 exactly clear?

7 A. They're clear. To me, they are clear, yes.

8 Q. Okay. So you know exactly where Coconut Grove
9 starts and where it stops in terms of its borders?

10 A. Yes.

11 Q. Okay. Can you describe what those boundaries
12 are?

13 A. Those are with the North US 1.

14 Q. Okay.

15 A. The west -- and this is a crude -- a crude
16 boundary, Le Jeune Road -- Le Jeune Road in some parts,
17 Douglas Road in other parts. Depends on how far north
18 or south you are. Biscayne Bay to the south in some
19 parts. In other parts, it's actual named streets where
20 it combines with -- or colludes [sic] with the city of
21 Coral Gables, and that would be going towards the -- the
22 west. Like, Douglas Road, that area.

23 And then as far as the east, I would say US 1
24 in the area where Vizcaya is, Bay Heights. As I say,
25 these are crudely designed.

1 Q. Uh-huh.

2 Now, you mentioned Vizcaya and Bay Heights.

3 A. Uh-huh.

4 Q. Are those within Coconut Grove or are those --

5 A. Uh-huh.

6 Q. -- the boundaries?

7 A. That's within Coconut Grove.

8 Q. Okay. And those boundaries that you just
9 described, do those also correlate to the five city
10 police district boundaries that would be there in terms
11 of the -- the outer boundaries?

12 A. Yes.

13 Q. Are you aware of whether there are any other
14 ways that someone might define The Grove, either by
15 community redevelopment districts or any other type of
16 taxing district or any other type of, like, neighborhood
17 classification?

18 A. Yes.

19 Q. Okay. What are some of the other ones that
20 you're aware of?

21 A. Community redevelopment districts. Opportunity
22 zones. Target urban areas.

23 Q. And do those borders for, like, a community
24 redevelopment district or opportunity zone or a target
25 urban area match exactly the descriptions that you just

1 laid out?

2 A. Not for the entire Coconut Grove.

3 Q. Okay.

4 A. Just in certain parts of it.

5 Q. Okay. And, Ms. Cooper, if I could ask you to
6 flip to page 6, paragraph 30.

7 And in that paragraph, it asserts that you were
8 placed in District 2 where you are not the predominant
9 racial group.

10 Do you see where it says that?

11 A. Yes.

12 Q. What is the predominant racial group in
13 District 2?

14 A. Caucasian, white American.

15 Q. And when you identify Caucasian as the
16 predominant group, what are you basing that on?

17 A. White non-Hispanic.

18 Q. Okay. White non-Hispanic.

19 And what are you basing that on?

20 A. Knowing the neighborhoods and who resides in
21 those neighborhoods.

22 Q. Have you looked at any demographic statistics
23 for that area, either for the 2022 plan or the 2023
24 plan?

25 A. Not in detail, no.

1 Q. Okay. Do you recall seeing whether white
2 non-Hispanics make up a majority of residents in that
3 district?

4 A. No.

5 Q. Do you recall any -- seeing any statistics that
6 Hispanic voters would make up a majority in that
7 district?

8 A. No.

9 Q. Do you know what percentage of Black residents
10 would be comprised in that district?

11 A. I can make an estimate.

12 Q. Okay.

13 A. Would that be okay?

14 Q. Sure.

15 A. About 25 percent.

16 Q. And that estimate of 25 percent, what is that
17 based on?

18 A. The area where I reside in West Grove.

19 Q. Now, you've resided in that area since -- was
20 it 1981?

21 A. Since 1950. I've always lived in Coconut
22 Grove.

23 Q. Okay.

24 A. So 73 years.

25 Q. Okay. Since you've been alive, has Coconut

1 Grove gone through any level of gentrification?

2 A. Yes.

3 Q. Okay. How long has it been going -- undergoing
4 gentrification?

5 A. 15 years, roughly.

6 Q. Going back to that first amended complaint, it
7 says "The enacted plan sends the message that their
8 commissioner's job is to represent the predominant
9 group; not them."

10 If I understand that statement correctly -- and
11 you can let me know if my paraphrase is accurate -- it's
12 saying that you, as a resident of District 2, feel like
13 the way the City drew the maps, it was intended to
14 represent white non-Hispanic voters. Is that an
15 accurate reflection of what that statement is intended
16 to convey?

17 A. Yes.

18 Q. And is that the way that you feel about the
19 district that you live in, in the 2023 plan?

20 A. Yes.

21 Q. If you could draw District 2, how would you
22 draw District 2?

23 A. Pretty much the same way it was before the
24 change -- before the commission made the change where
25 US 1 was our boundary. Because we're mostly like a

1 coastal -- a coastal district. Make US 1 the boundary,
2 and then we end it at the bay.

3 Q. Okay. You can set the first amendment aside.

4 Ms. Cooper, I am going to show you another
5 document. I don't know if I'm going to mark this one
6 either. But I will give you the opportunity to look at
7 that.

8 MR. LEVESQUE: And we can go off the record
9 while she reviews it.

10 (A discussion was held off the record.)

11 MR. LEVESQUE: Back on record.

12 BY MR. LEVESQUE:

13 Q. Ms. Cooper, have you had the opportunity to
14 review that document?

15 A. Yes.

16 Q. Is that the supplemental complaint that you
17 reviewed in preparation for your deposition?

18 A. Yes. Yes.

19 Q. If I could ask you to flip to page 3.

20 And before I ask you that, did you see that
21 document before it was filed?

22 A. No.

23 Q. Have you discussed that document with anyone
24 other than your attorneys?

25 A. No. No.

1 Q. And in paragraph 16, it makes a similar
2 allegation related to you being placed in a district
3 where you are not the predominant racial group. Based
4 upon the current population of the city of Miami, do you
5 think it's possible to be -- for you to be placed in a
6 district where you are with the predominant racial
7 group?

8 A. Yes. I think so, yes.

9 Q. Okay. And how would that district be drawn?

10 A. That would depend on a move that's underway
11 about getting more districts in the city of Miami, other
12 than the five that we have now.

13 Q. Okay. So the way that you might achieve that,
14 if I understand it correctly, is you would increase the
15 number of districts in the city from five to some higher
16 number --

17 A. Yes.

18 Q. -- to create smaller districts?

19 A. Yes.

20 Q. And you said there's a plan underway to
21 accomplish that. Do you know who's spearheading that
22 plan?

23 A. No. That's just in talks, really. It's talks.

24 Q. Other than drawing -- increasing the number of
25 districts and drawing smaller districts, are you aware

1 of any way that you might be placed in a district where
2 you would be a part of the predominant group?

3 A. No.

4 Q. You would agree that it probably wouldn't make
5 sense to link the West Grove up with District 5;
6 correct?

7 A. No.

8 Q. And I'm sorry. No, that you --

9 A. No.

10 Q. No, you wouldn't agree or, no, that wouldn't
11 make sense?

12 A. It wouldn't make sense, no.

13 Q. Okay. And that's not something you're seeking
14 to do in this litigation, is it?

15 A. No.

16 Q. Okay. I think we can set that one aside.

17 (Defendant's Exhibit Number 24-80, 1997 Plan,
18 was marked for Identification.)

19 MR. LEVESQUE: And this is one that I will mark
20 as Defendant's Exhibit 24-80. And we're marking
21 them based upon the docket entry.

22 BY MR. LEVESQUE:

23 Q. Ms. Cooper, have you seen configuration of
24 those districts before that are reflected in that 1997
25 plan?

1 A. Yes.

2 Q. And does that reflect, to the best of your
3 knowledge, the way the districts looked when the City
4 transitioned from citywide elections to district
5 elections?

6 A. Yes.

7 Q. And in that picture, Coconut Grove is all in
8 District 2; correct?

9 A. Yes.

10 Q. Prior to 1997, what's your understanding of how
11 city commissioners were elected?

12 A. It was citywide, at large.

13 Q. Do you know what the impetus for moving to
14 district elections was?

15 A. Primarily to have better representation for the
16 citizenry in the different districts.

17 Q. And when you're referencing "the citizenry in
18 the different districts," was that for all citizenry?

19 A. All citizenry.

20 Q. Were you an advocate during that time for
21 moving to single-member districts?

22 A. Yes, I was.

23 Q. Do you remember if you advocated for a certain
24 number of districts?

25 A. No.

1 Q. What are the things that you did as part of
2 your advocacy back during that time to encourage city
3 commissioners to move to single-member districts?

4 A. Other than making sure neighbors and friends
5 and family members were registered to vote and that they
6 were more in tune with what was going on with city
7 politics and county, statewide, federal, and that that
8 was resolved.

9 Q. And do you recall what the outcome of the first
10 elections under those districts were?

11 A. Yes.

12 Q. Okay. And with those first elections, they
13 elected three Hispanic commissioners; correct?

14 A. Yes.

15 Q. And they elected a Black commissioner?

16 A. Yes.

17 Q. And they elected a white commissioner?

18 A. Yes.

19 (Defendant's Exhibit Number 24-81, 2003
20 Districts, was marked for Identification.)

21 BY MR. LEVESQUE:

22 Q. Ms. Cooper, I am going to show you another
23 exhibit that we're going to mark Defendant's
24 Exhibit 24-81.

25 MR. MERKEN: Thank you.

1 BY MR. LEVESQUE:

2 Q. Ms. Cooper, looking at that picture, does that
3 appear to be the districts as they were drawn in 2003?

4 A. Yes.

5 Q. And do you recall the general outcome of
6 elections that were held under those districts?

7 A. Yes.

8 Q. And those districts elected three Hispanic
9 commissioners; is that correct?

10 A. Yes.

11 Q. And one Black commissioner?

12 A. Yes.

13 Q. And one white commissioner?

14 A. Yes.

15 Q. And in the 2003 plan, your district was
16 District 2?

17 A. Yes.

18 Q. And that's the white district?

19 A. Yes.

20 Q. Did you have a problem being drawn in a
21 district that was a white district for either the 1997
22 plan or the 2003 plan?

23 A. No.

24 (Defendant's Exhibit Number 24-82, 2013 Plan,
25 was marked for Identification.)

1 BY MR. LEVESQUE:

2 Q. Okay. Ms. Cooper, I'm going to show you what
3 we're going to mark as Defendant's Exhibit 24-82.

4 Now, Ms. Cooper, what I've shown you is what
5 I'll represent to you is the 2013 plan for which
6 elections from 2013 through 2021 were conducted.

7 Does that configuration of districts look
8 familiar to you?

9 A. Yes.

10 Q. And your district in that map is still
11 District 2; correct?

12 A. Yes.

13 Q. And District 2 was still a district that would
14 perform for a white representative?

15 A. Yes.

16 Q. And Districts 1, 3, and 4 would still perform
17 for Hispanic candidates?

18 A. Yes.

19 Q. And District 5 would perform for a Black
20 candidate?

21 A. Yes.

22 Q. And were you okay being placed in a white
23 district in that plan?

24 A. Yes.

25 Q. Do you know the last commissioner to be elected

1 from that district?

2 A. District 2?

3 Q. District 2.

4 A. (Witness nodding.)

5 Q. And who was the last commissioner to be elected
6 from District 2 in that plan?

7 A. Since -- up until what time?

8 Q. The last one elected before we transition to a
9 new map.

10 A. Ken Russell.

11 Q. Ken Russell?

12 And do you know if he's white or Japanese
13 American or somewhere in between both?

14 A. He's white.

15 Q. Okay.

16 A. Even though he is Japanese American as well,
17 yeah.

18 Q. Okay.

19 A. And he also speaks Spanish, so --

20 Q. He's got a leg up on me.

21 A. Yeah. Right.

22 (Defendant's Exhibit Number 24-83, 2022 City
23 Commission Plan, was marked for Identification.)

24 BY MR. LEVESQUE:

25 Q. Now, I'm going to show you what we're going to

1 mark as Defendant's Exhibit 24-83.

2 MR. MERKEN: Thank you.

3 BY MR. LEVESQUE:

4 Q. And, Ms. Cooper, do you recognize this plan?

5 A. Yes.

6 Q. Is this the plan that the city commission
7 passed in 2022?

8 A. Yes.

9 Q. And in this plan, you still reside in
10 District 2; correct?

11 A. Yes.

12 Q. Are you aware if any elections have been held
13 under that particular plan?

14 A. No.

15 Q. Who's the current commissioner for District 2?

16 A. Sabina Covo.

17 Q. And she replaced Commissioner Russell; correct?

18 A. Yes.

19 Q. Do you know if she was elected from this
20 district?

21 A. Yes.

22 Q. And Commissioner Covo is Hispanic; correct?

23 A. Yes.

24 Q. And so at least under this plan, the only
25 election that has occurred elected a Hispanic

1 representative; not a white representative; correct?

2 A. Yes.

3 Q. Do you have a problem residing in that
4 District 2?

5 A. The way it is now?

6 Q. In that -- in that particular plan, yes.

7 A. Yes, I do.

8 Q. Okay. What are your objections to that
9 District 2?

10 A. That we have District 4 and District 3 loops
11 down into what was formerly District 2.

12 Q. And District 4 is a district that's represented
13 by a Hispanic commissioner; is that correct?

14 A. Yes. Manolo Reyes.

15 Q. And District 3 is also represented by a
16 Hispanic commissioner?

17 A. Yes. Joe Carollo.

18 Q. Now, what is your understanding of the
19 reasons -- let me back up.

20 What is your understanding of why the city
21 commission needed to redistrict in 2022?

22 A. My understanding is it had a lot to do with the
23 results of the census.

24 Q. And --

25 A. And equally proportioning voters -- the

1 citizens into the five districts.

2 Q. Because of the population growth in the city --

3 A. Yes.

4 Q. -- the districts became out of balance. Would
5 you agree with that?

6 A. Yes.

7 Q. And District 2 was overpopulated. Would you
8 agree with that?

9 A. Yes.

10 Q. And so District 2 needed to get rid of
11 population to give to the other districts; correct?

12 A. Yes.

13 Q. Is it --

14 Now, in the 2022 plan, one of the areas where
15 the city commission did that was at the bottom, in this
16 little area right here where there's sort of a triangle
17 is what I'll call it --

18 A. Right.

19 Q. -- using US 1 as the long border.

20 Is that part of the West Grove?

21 A. No.

22 Q. What part of The Grove is that?

23 A. That borders Bird Road [sic] and 27th Avenue.
24 It's still Coconut Grove.

25 Q. In terms of the five areas of The Grove that we

1 talked about, what area of The Grove would that
2 particular triangle fit in?

3 A. Probably North Grove.

4 No, let me -- let me change that. West Grove.

5 Q. You --

6 A. That would be West Grove because it's west of
7 27th Avenue.

8 Q. And moving east on that map, there is what some
9 have referred to as a little "foot" that District 3
10 intrudes into.

11 A. Uh-huh.

12 Q. Do you know why that foot was drawn there?

13 A. Yes.

14 Q. And what's the reason that foot was drawn
15 there?

16 A. So that Joe Carollo's property would be
17 included in that -- in that district.

18 Q. And you would agree including Commissioner
19 Carollo's property in the district, for whatever reason
20 that might be, has nothing to do with racial reasons for
21 drawing the district that way; correct?

22 A. I don't know.

23 Q. Okay. Why wouldn't you know that?

24 A. I'm sorry. I'm sorry.

25 Well, okay. Yes. Yeah. So I'll say yes --

1 Q. Okay.

2 A. -- to that.

3 Q. And just so we're clear for the record, what
4 are you saying yes -- yes to?

5 A. That I think it was racially motivated.

6 Q. It was racially motivated?

7 A. Yeah, I think so.

8 Q. And why was it racially motivated?

9 A. It was sort of like diluting the influence of
10 District 2.

11 Q. And how did it dilute the influence of
12 District 2?

13 A. Well, in our -- in Coconut Grove, we -- long
14 term, we've -- throughout The Grove, we've depended on
15 each other for support for anything that we wanted to
16 project as far as improvements in our areas.

17 And I think having that district broken up like
18 that, that was taken away from any support we were going
19 to have, any backup leverage that we would have for The
20 Grove at large. Especially what we were trying to get
21 done in the West Grove.

22 Q. Well, let me ask about that.

23 That area of The Grove that is in the foot, is
24 that a fairly affluent area of The Grove?

25 A. Yes.

1 Q. Would they have the same type of needs that
2 areas of the West Grove would have?

3 MR. MERKEN: Objection. Speculation.

4 BY MR. LEVESQUE:

5 Q. If you know.

6 MR. MERKEN: You can answer.

7 THE WITNESS: I can answer?

8 No.

9 BY MR. LEVESQUE:

10 Q. What are some of the type of needs that the
11 residents of the West Grove need?

12 A. We need adequate housing, affordable housing,
13 more police patrolling, better infrastructure, better
14 job opportunities, rebuilding our economic development
15 structure. We had a once-vibrant commercial corridor,
16 which has, like, tanked, and we're trying to get that
17 back to what it was before. So we have some serious
18 issues.

19 Q. And that area of the foot, when we classify the
20 different parts of The Grove, what part of The Grove
21 would that be?

22 A. That would be -- well, just like it says,
23 Natoma -- Natoma Park, Bay Heights area --

24 Q. Okay.

25 A. -- they are flushed a little bit to the north

1 part of -- what we consider North Grove.

2 Q. Okay.

3 A. Because, see, that's near where the museum used
4 to be, the science museum, which has moved downtown, but
5 they're across from Victoria -- Vizcaya.

6 Q. Okay.

7 A. And the Mercy Hospital area.

8 Q. And so those areas, they've already got pretty
9 good infracture?

10 A. Yes.

11 Q. They probably don't have quite the same issue
12 in terms of needing good-paying jobs? Housing?

13 A. (Witness nodding.)

14 Q. Going back to the little triangle that we
15 talked about in that area of West Grove, do you feel
16 that incursion of District 4 into District 2 was drawn
17 for racial reasons?

18 A. Yes.

19 Q. And what's your basis for believing that?

20 A. Again, that was taking away population from
21 West Grove and also throwing it into another district
22 and enhancing that district's ability to get more
23 resources.

24 Q. Are you aware of whether the commissioners in
25 District 4 and District 3 have invested in particular

1 areas of their districts that they've been in for a
2 little while?

3 A. Yes.

4 Q. Do you have any basis for believing that the
5 commissioners of District 4 and District 3 wouldn't
6 invest in your communities that were added in that 2022
7 plan?

8 A. I have doubts.

9 Q. Okay. And what's -- what are your doubts and
10 what causes them?

11 A. Promises that have been made that haven't been
12 fulfilled.

13 Q. Is there anything else?

14 A. You're asking for my honest opinion; right?

15 Q. Yes, ma'am.

16 A. Yes. Okay.

17 Q. I don't mean to be pretentious about it, but
18 you are under oath. So I'm hoping that I'm getting the
19 truth from you.

20 A. Okay. What was your question again? I'm
21 sorry.

22 Q. You know, I've forgotten.

23 MR. LEVESQUE: If you could repeat it.

24 THE COURT REPORTER: Sure.

25 (Thereupon, the question was read back by the

1 reporter as above recorded.)

2 THE WITNESS: It's based a lot on those
3 commissioners' backgrounds.

4 BY MR. LEVESQUE:

5 Q. Okay.

6 A. And I feel that they would be more willing to
7 entertain the interests of people of their backgrounds
8 more so than of my background.

9 Q. Okay. Ms. Cooper, I tend to be a little
10 direct, so I'm going to see if I can say what you are
11 being very diplomatic about saying.

12 Do you have concerns about whether a Hispanic
13 commissioner could adequately represent you and meet
14 your needs as a Black resident?

15 A. Yes.

16 Q. Okay. Has that changed with Commissioner Covo,
17 who is a Hispanic representative?

18 A. Yes.

19 Q. Now, looking at that configuration of
20 District 2, we've talked about the little triangle.
21 We've talked about the foot.

22 Is there anything else about that district that
23 we haven't discussed that you would find objectionable?

24 A. In the Coconut Grove area, the entire district?

25 Q. The entire district.

1 A. Well, it's the fact that those two areas were
2 added and they weren't there before. And I just find it
3 hard to understand as to why they're there now.

4 Q. Uh-huh.

5 For this particular plan, do you believe the
6 commission drew the district to perform for a white
7 candidate or a Hispanic candidate?

8 A. Hispanic.

9 Q. Do you think it would be appropriate for the
10 city commission to draw it for a white candidate?

11 A. No.

12 Q. Do you think it would be appropriate for the
13 city commission to draw it for a Hispanic candidate?

14 A. No.

15 Q. Do you think it would be appropriate for the
16 City to just have a coastal district?

17 A. You mean as it was before?

18 Q. Well, just as a coastal district generally. In
19 whatever configuration it is, they're drawing it as a
20 coastal district because those residents have different
21 needs than those that live inland?

22 A. Yes.

23 Q. Now, it's your belief that the district that's
24 reflected in this map was drawn to favor Hispanic
25 candidates. Did I understand that correctly?

1 A. Yes.

2 Q. What do you base that on?

3 A. Well, just the current demographics. The
4 Hispanic population exceeds the other populations --
5 dominant populations, which would be Black and white
6 non-Hispanic, and the more influence that would give
7 that population as far as the city government is
8 concerned.

9 Q. You would agree that the city of Miami is a
10 majority Hispanic city?

11 A. Yes.

12 Q. In fact, you could probably describe it as a
13 supermajority Hispanic city; correct?

14 A. Yes.

15 Q. And so as a result of having Hispanics as a
16 larger percentage of the overall population, they're
17 probably going to have greater representation. Wouldn't
18 you agree?

19 A. Yes.

20 Q. And then that naturally means that if you're
21 part of those smaller racial groups, whether it be
22 Black, Caucasian non-Hispanic or white non-Hispanic,
23 American Indian, or some other -- Japanese American,
24 you're going to have less proportional representation in
25 terms of racial influence, if that's what's motivating

1 you. Wouldn't you agree with that?

2 A. Yes.

3 Q. Do you have any opinions or any objections to
4 the other districts that are reflected in this map?

5 A. Well, I was -- had some concerns. Of course,
6 I'm not as familiar with the other districts as I am my
7 own as I've only lived in Coconut Grove my entire life.
8 But I am somewhat familiar with the other areas. And I
9 was also worried about the diluting of influence of
10 Black residents in other parts of the city.

11 Q. Okay. And when you refer to "the diluting of
12 the influence of Black residents in the other parts of
13 the city," would that be the Black residents in
14 District 5?

15 A. Yes.

16 Q. Now, Ms. Cooper, are you a member of GRACE?

17 A. Yes, I am.

18 Q. And what does GRACE stand for? That's an
19 acronym; right?

20 A. Yes. Grove Rights and Community Equity,
21 Incorporated.

22 Q. And what is GRACE?

23 A. We're an organization that was established in
24 2019. Established for the sole purpose of protecting
25 the economic interests of people in Coconut Grove --

1 West Coconut Grove, to be specific. And at this point,
2 we go by three names, Coconut Grove: West Grove,
3 Village West, Little Bahamas of Coconut Grove.

4 Q. And when you say, "We go by three names" --

5 A. In Coconut Grove, where I live.

6 Q. Coconut Grove?

7 A. Yeah.

8 Q. Okay. Okay.

9 So when somebody says "West Grove" or -- and I
10 was writing fast.

11 A. Village West.

12 Q. Village West.

13 A. Or Little Bahamas of Coconut Grove.

14 Q. So that would all refer to the same general
15 geographic area?

16 A. Yes.

17 Q. Okay. And how did that group get started?

18 A. Actually, it was an initiative of the Coconut
19 Grove Ministerial Alliance.

20 Q. What is the Coconut Grove Ministerial Alliance?

21 A. That's an organization that's been in existence
22 since -- in the '50s, I'm sure. Because I remember that
23 when it got started, ministers from the different
24 churches in that neighborhood. And they were
25 interested, as other groups were, in providing -- having

1 a collective body to represent most or all of the
2 organizations in our neighborhood.

3 Q. Okay. And you mentioned ministers from
4 different churches. What type of churches were those?

5 A. Different denominations. You have Episcopal.
6 AME, African Methodist Episcopalian. Oh, you have
7 Baptist, Missionary Baptist, Church of Christ -- just
8 about 10 or 12 churches that's involved.

9 Q. Were they primarily Black denomination
10 churches?

11 A. Yes.

12 Q. Okay. And were they also the Coconut Grove
13 Ministerial Alliance? Was that also sort of like a
14 quasi-civil rights organization as well?

15 A. You can say that because the foundation of the
16 civil rights movement globally and nationally was based
17 in the churches.

18 Q. Uh-huh. Okay.

19 A. And then the churches were established during
20 the segregation era. So primarily Black -- Black
21 ministers. Black parishioners in the Black
22 neighborhoods.

23 Q. Now, what was your involvement in the creation
24 of GRACE?

25 A. Well, the organization that I'm involved in,

1 Coconut Grove Village West Homeowners and Tenants
2 Association, we're also a foremost group in Coconut
3 Grove that was established in 1954, and they were trying
4 to bring in some of these lead organizations that had
5 been around forever to take part in the efforts of
6 GRACE.

7 Q. And who reached out to you to be a part of
8 GRACE?

9 A. Some members of the Ministerial Alliance.

10 Q. Okay. And who were those members?

11 A. The chair of the Ministerial Alliance.

12 Q. And what is his or her name?

13 A. Apostle John Chambers.

14 Q. And is he your minister?

15 A. No.

16 Q. And since its creation in 2019, do you hold any
17 titles with GRACE?

18 A. Yes.

19 Q. What are your -- what are the titles that
20 you've held?

21 A. Treasurer -- board member and treasurer.

22 Q. And have you been treasurer and board member
23 since inception?

24 A. Yes.

25 Q. How many board members does GRACE have?

1 A. Presently, eight.

2 Q. Eight?

3 A. Yes.

4 Q. And do all eight of them live in the area of
5 the West Grove?

6 A. No.

7 Q. Do most of them live in the area of the West
8 Grove?

9 A. Half.

10 Q. Half?

11 What are the sources of GRACE's funding?

12 A. We've obtained grants from different sources.

13 Q. Are those government grants or are those
14 private-issued grants?

15 A. They're private.

16 Q. And what are some of the organizations that
17 have given you a grant?

18 A. One is Allegheny. Allegheny Foundation.

19 Q. Is that spelled --

20 A. Just like the Allegheny area, region.

21 Q. Okay. A-L-L-E-G-H-E-N-Y?

22 A. -G-H-E-N-Y.

23 Q. Okay. Feels good that I spelled it just as
24 good as you.

25 A. And also FIU, Florida International University.

1 Q. Are there any other grant organizations that
2 you receive funds from?

3 A. (Witness shaking head.)

4 MR. LEVESQUE: I'll tell you what. Why don't
5 we take a short five-minute break, if that works?

6 MR. MERKEN: Okay.

7 (Thereupon, a recess was taken in the
8 deposition, after which the deposition continued as
9 follows:)

10 MR. LEVESQUE: Okay. Back on the record.

11 BY MR. LEVESQUE:

12 Q. Earlier, you had mentioned that you had your
13 doubts about whether the current commissioner,
14 Commissioner Covo, would adequately represent your
15 interests in District 2. What is your basis for that
16 belief?

17 A. That I had doubts about her --

18 Q. Whether she would represent your interests as a
19 Black resident in District 2.

20 A. I guess because I didn't have that much
21 knowledge about her at the time.

22 Q. Okay. Has there been anything in the interim,
23 since she's taken office, that you would point to as
24 something that has raised concerns in your mind about
25 whether she would adequately represent your interests?

1 A. No.

2 Q. Would you agree that District 2 is probably one
3 of the more diverse districts in the city of Miami?

4 A. Yes.

5 Q. It's diverse ethnically?

6 A. Ethnically and racially.

7 Q. Economically?

8 A. Economically, yes.

9 Q. And so whoever's elected to that district,
10 whether they're Hispanic, white, or even Black, they've
11 got their work cut out for them because they've got a
12 very diverse district. Wouldn't you agree?

13 A. Yes.

14 Q. And sometimes those interests, whether they're
15 racial, ethnic, or economic, they're competing interests
16 of all of those different groups, aren't they?

17 A. Yes.

18 Q. And, ultimately, it's left up to the
19 commissioner who's representing those interests to do
20 the best job they can. Wouldn't you agree with that?

21 A. Yes.

22 Q. For District 2, how do you think Commissioner
23 Covo has done?

24 A. She's doing an adequate job.

25 Q. Okay.

1 A. Yes. She understands the issues.

2 Q. For Commissioner Russell, how did you think he
3 performed in the role?

4 A. Admirably.

5 Q. Do you know how long Commissioner Russell was
6 in that position?

7 A. Yeah. He served one full term and
8 three-quarters of another term -- second term.

9 Q. Do you know if that was his first time holding
10 public office?

11 A. Yes, it was.

12 Q. Do you know if this is Commissioner Covo's
13 first time holding public office?

14 A. Yes, it is.

15 Q. And you were a resident of the district at the
16 time Commissioner Russell first came into office;
17 correct?

18 A. Yes.

19 Q. And when he first came into office, do you feel
20 he was performing admirably from day one, or was there a
21 ramp-up period?

22 A. Yes.

23 Q. And I apologize. My question was --

24 A. Yes.

25 Q. -- probably a poor question.

1 Was that yes, he was performing --

2 A. Yes, he --

3 Q. -- admirably from day one, or --

4 A. Yes.

5 Q. -- yes, there was a ramp-up period?

6 Yes, there was a ramp-up period?

7 A. Yes.

8 Q. Oh.

9 A. Well, from the start.

10 Q. Okay. From the start he performed admirably?

11 A. Right.

12 (Defendant's Exhibit Number 82-24, 2023 City
13 Plan, was marked for Identification.)

14 BY MR. LEVESQUE:

15 Q. Okay. Ms. Cooper, I am now going to show you
16 what we're going to mark as Defendant's Exhibit 82-24.

17 Do you recognize that as the City's plan that
18 they enacted in 2023?

19 A. Yes.

20 Q. And you would agree that in that plan, they
21 removed that little triangle that we first talked about
22 when we were looking at the 2022 plan; correct?

23 A. Yes.

24 Q. Was that a plan that -- or was that a move that
25 you supported?

1 A. No.

2 Q. You did not support moving that area of the
3 West Grove --

4 A. Oh, yes.

5 Q. -- back into District 2?

6 A. Yes.

7 Q. Okay. So, again, just so we're clear for the
8 record, the little triangle that would have been just to
9 the west of where it says "North Grove," that was put
10 back into District 2, you would support that move;
11 correct?

12 A. Uh-huh.

13 MR. MERKEN: Can you give an --

14 THE WITNESS: Yes. I'm sorry. Yes.

15 BY MR. LEVESQUE:

16 Q. Okay. And then there's still that little foot
17 area that picks up Commissioner Carollo's house;
18 correct?

19 A. Yes.

20 Q. And do you believe Commissioner Carollo is
21 being included -- his house is being included in that
22 district for racial reasons?

23 A. Yes.

24 Q. Okay. And what are the racial reasons?

25 A. To get more Hispanic representation.

1 Q. Is that more Hispanic representation in
2 District 3, or is it more Hispanic representation in
3 District 2?

4 A. In 3.

5 Q. Do you know what the Hispanic representation in
6 District 3 is in that plan -- what percentage?

7 A. No. But it's high.

8 Q. In fact, it's high in District 1, 3, and 4;
9 correct?

10 A. Uh-huh, yes.

11 Q. Those are all supermajority Hispanic districts?

12 A. Yes.

13 Q. So I guess what is the effect of increasing the
14 Hispanic representation in District 3, in your mind?

15 And that's a poor question. Let me go back and
16 sort of set that up a little differently.

17 You indicated that you thought that area was
18 added to District 3 to increase the Hispanic percentage
19 in District 3.

20 A. Yes.

21 Q. Would you agree that doing that would have the
22 effect of potentially decreasing the Hispanic
23 representation in District 2?

24 A. Not necessarily, no.

25 Q. Not necessarily?

1 A. No.

2 Q. What effect do you believe those changes had on
3 District 2?

4 A. That the influence of District 2, especially in
5 Coconut Grove -- that our influence was diminished.

6 Q. And why was your influence in Coconut Grove
7 diminished?

8 A. Because we were losing some of the residents
9 that we had previously, and considering some of the
10 issues that we had before us, we needed all the support
11 we can get from other residents of Coconut Grove -- or
12 from our district.

13 Q. You would agree that the city commission is a
14 representative body?

15 A. Representative of whom? All of us?

16 Q. The electors. People vote for them. The
17 people that they vote for represent their interests.

18 A. Yes.

19 Q. They might represent certain segments of their
20 electorate better than others. Is that your belief?

21 A. Yes.

22 Q. But in the grand sense of representation, each
23 district gets one commissioner that represents their
24 interests; correct?

25 A. Yes.

1 Q. In this map, The Grove is split between two
2 commissioners; correct?

3 A. Yes.

4 Q. Commissioner Covo would be one and Commissioner
5 Carollo --

6 A. Carollo.

7 Q. -- would be the other; is that correct?

8 A. Yeah, but I'm still thinking that Reyes has
9 representation there, too. It's a little sliver over
10 here. Let me see here.

11 Yeah, just north of the highway and west of
12 37th Avenue.

13 Q. I'd like to ask you to circle on your map
14 there --

15 A. The area that I'm talking about?

16 Q. Yes, ma'am.

17 A. Okay. There.

18 Q. Okay. And in looking at that area, I see what
19 I believe is a railroad track and --

20 A. Yeah, that's the Metrorail alignment.

21 Q. Okay. Do you know if that is following US 1
22 there or not?

23 A. Yeah, US 1 is -- yeah, US 1. Yeah.

24 Q. Okay.

25 A. And this is an area over here that Manolo Reyes

1 picked up as to why he's partially in Coconut Grove --

2 Q. Okay.

3 A. -- or what used to be District 2.

4 Q. Now, that area that you circled there, is that
5 considered part of Coconut Grove even though it's on the
6 other side of US 1?

7 A. Well, I wouldn't consider it Coconut Grove. A
8 lot of people do because of the history -- because, see,
9 you're talking about Coral Gables over here, and there
10 are a lot of Black residents there historically. And so
11 the communities were interconnected. As a matter of
12 fact, a lot of people don't even know which city they
13 live in, whether it's Miami or Coconut Grove. But he
14 does have representation of this, which was formerly
15 District 2.

16 Q. Okay. And you mentioned people being confused
17 about which city they live in --

18 A. Uh-huh.

19 Q. -- and it not being very clear.

20 Is that the only area where there's confusion
21 about whether it's part of The Grove or not?

22 A. This little -- that's the corridor right in
23 here.

24 Q. Okay.

25 A. And even down in South Grove, some people I

1 think I've talked to are confused about where they live.
2 Because, see, they're crude -- have real crude
3 boundaries here.

4 Q. Okay. But the city's boundary isn't very crude
5 at all. I mean, the city's boundary stops --

6 A. Right.

7 Q. -- right there on the western edge.

8 On that map, could I ask you to roughly mark --
9 I'll give you your pen back.

10 Could I ask you to roughly mark where you
11 reside on that map. And if you could put an X.

12 A. Okay.

13 Q. And I understand the roads are going to be
14 small, but we can kind of ballpark it.

15 Okay. All right. Thank you.

16 Would it be fair to say that your concerns with
17 District 2 primarily relate to the southern portion of
18 the district that involves Coconut Grove?

19 A. Yes.

20 Q. And so do you have any specific objections to
21 the way the City drew the northern part of the district?

22 A. Yes.

23 Q. Okay. What are your objections to what -- to
24 the way the City drew the northern part of the district?

25 A. Well, going to the east part with Natoma Manors

1 and Bay Heights --

2 Q. Uh-huh.

3 A. -- those were areas that were taken away from
4 District 2. And as I said, as far as the diluting of
5 the influence of Coconut Grove -- because that's all
6 considered Coconut Grove -- that made a difference in --
7 in the makeup of District 2.

8 Q. Okay. How did those changes affect the makeup
9 of District 2?

10 A. Took away a substantial number of residents,
11 because those are heavily developed areas. Like, a lot
12 of residences. They're single-family homes and
13 otherwise, yeah.

14 Q. Okay.

15 A. And these people closely identify with
16 District 2 and Coconut Grove.

17 Q. Okay.

18 A. And that -- you know, our whole district. And
19 the commission -- the commissioner who represented us.

20 Q. When you say they took away residents, did they
21 take away residents of a particular race, or was it just
22 the reduction --

23 A. Just the residents that were --

24 Q. -- just the reduction of residents, the number?

25 A. Yes.

1 Q. Okay. And we discussed it earlier, but you
2 were aware that District 2 was overpopulated, so they
3 needed --

4 A. Uh-huh.

5 Q. -- to get rid of residents; right?

6 A. Uh-huh.

7 Q. And that had to happen somewhere; correct?

8 MR. MERKEN: I just wanted to make sure that
9 there was a "yes."

10 THE WITNESS: Yes.

11 MR. LEVESQUE: And did you get the affirmative
12 response to the previous --

13 THE WITNESS: Yes.

14 THE COURT REPORTER: I did.

15 BY MR. LEVESQUE:

16 Q. And one of the things that you also mentioned
17 was -- with your concerns with the map, maybe more
18 broadly, is the potential dilution of the Black voting
19 power in District 5. Did I understand that correctly?

20 A. Yes.

21 Q. Okay. Do you feel either the '22 plan -- 2022
22 plan or the 2023 plan diluted the voting power of Black
23 voters?

24 A. No.

25 Q. So at least in drawing District 5, you felt the

1 city commission did a reasonably decent job in ensuring
2 that District 5 complied with the Voting Rights Act?

3 A. Yes.

4 (Defendant's Exhibit Number 82-34, Map 1, was
5 marked for Identification.)

6 MR. LEVESQUE: Okay. We're going to mark this
7 next exhibit as Defendant's Exhibit 82-34.

8 BY MR. LEVESQUE:

9 Q. And, Ms. Cooper, have you seen this document
10 before?

11 A. Yes.

12 Q. Do you recall if you saw this document before
13 or after it was filed with the court?

14 A. Probably before.

15 Q. Okay. Did you approve this document?

16 A. Personally?

17 Q. Yes, ma'am.

18 A. No.

19 Q. Are there things about this map that you
20 disagree with?

21 A. Yes.

22 Q. What are the things about this map that you
23 disagree with?

24 A. Well, going back to the Overtown area, which
25 has been predominantly African American or Black, or

1 whatever, that was truncated and included other areas
2 that didn't really make any sense to me as the way the
3 layout of the city is in that part of the city.

4 Q. Okay. Are there any other districts in this
5 map that do not make sense to you?

6 A. Well, all of them, really. Every one.
7 Compared to how they were drawn before.

8 Q. Okay. Is it fair to say you don't like the
9 configurations of the districts in this map?

10 A. No. No, I don't.

11 Q. You're still in District 2, though; correct?

12 A. Yes.

13 Q. And do you know the -- the likely race that a
14 candidate from District 2 would be -- a successful
15 candidate from District 2 would be?

16 A. As far as their racial background?

17 Q. Yes, ma'am.

18 A. Yes.

19 Q. What would that be?

20 A. Starting in 5, up in the yellow portion, that
21 would probably be Black. It swing in the Overtown,
22 Omni, downtown Allapattah area. That could either be
23 Black or Hispanic.

24 3, which is the purple, that would definitely
25 be Hispanic. Flag- -- Flagami, Grapeland Heights,

1 Auburndale, that would be Hispanic.

2 And it's a swing also here with the Silver
3 Bluff, Coconut Grove, Brickell. That would either be
4 white non-Hispanic or Hispanic.

5 Q. So in that map, your likely representative
6 would either be white non-Hispanic or Hispanic based
7 upon your understanding of the racial makeup of --

8 A. Yes.

9 Q. -- District 2; is that correct?

10 A. Yes.

11 Q. Other than your attorneys, have you discussed
12 the -- plaintiffs' Map 1 with anyone?

13 A. No.

14 (Defendant's Exhibit Number 82-35, Map 2, was
15 marked for Identification.)

16 MR. LEVESQUE: I'm going to mark this as
17 Defendant's Exhibit 82-35.

18 MR. MERKEN: Thank you.

19 BY MR. LEVESQUE:

20 Q. And what I've shown you as plaintiffs' Map 2,
21 have you seen this document before?

22 A. Yes.

23 Q. Did you review this document before it was
24 filed with the court?

25 A. No.

1 Q. Did you ever approve this document?

2 A. No.

3 Q. Do you like the configuration of these
4 districts?

5 A. Yes.

6 Q. And in this map, you're still in District 2;
7 correct?

8 A. Yes.

9 Q. And in this map, District 2 is pretty similar
10 to the current district, is it not?

11 And let me clarify that question. In this
12 version of plaintiffs' Map -- plaintiffs' Map 2,
13 District 2 is similar to the way it was drawn in 2013.
14 Would you agree with that?

15 A. Yes.

16 Q. It's still a coastal district; correct?

17 A. Yes, still coastal.

18 Q. And in this map, Coconut Grove is kept whole
19 except for that little sliver that we've talked about;
20 correct?

21 A. Yes.

22 Q. So you don't have a problem with the little
23 sliver not being in Coconut Grove in this map, do you?

24 A. No.

25 Q. Okay. Is there a reason why there would be a

1 problem with that little sliver not being included in
2 the 2023 plan but okay to not be included in the --
3 plaintiffs' Map 2?

4 A. Well, I wouldn't have any objection because
5 that area's primarily industrial.

6 Q. Okay. So going back to the 2023 plan that
7 we've discussed, you wouldn't have a problem -- you
8 don't really have a problem with the City not including
9 that little industrial sliver in District 2, do you?

10 A. No.

11 Q. For District 5, do you know if that district
12 diminished -- strike that.

13 Do you know if that district decreased the
14 percentage of Black voting-age population or Black
15 citizen voting-age population in that district from the
16 2013 plan?

17 A. Yes, it did. For that district, yes.

18 Q. Okay. Do you know if for that district,
19 District 5, whether that included all of Overtown or
20 whether Overtown was split in that district?

21 A. Overtown was split.

22 Q. Are you a member of either the Miami-Dade NAACP
23 or the South Miami-Dade NAACP?

24 A. No. No.

25 Q. Neither organization?

1 A. No. I have national membership, but not --

2 Q. Not with any of the local affiliates?

3 A. No.

4 (Defendant's Exhibit Number 82-36, Map 3, was
5 marked for Identification.)

6 BY MR. LEVESQUE:

7 Q. Ms. Cooper, I am going to show you what we're
8 marking as Defendant's Exhibit 82-36.

9 And this is Plaintiffs' Map 3. Have you seen
10 this map before?

11 A. Yes.

12 Q. Do you recall if you saw this map before it was
13 filed with the court?

14 A. No.

15 Q. Have you ever been asked to approve this map?

16 A. No.

17 Q. Then, you would agree that this map still
18 splits Overtown?

19 A. Yes.

20 Q. Is this configuration of District 2 acceptable
21 to you?

22 A. Yes.

23 Q. Is it fair to say that your primary concerns
24 with District 2 are what I'll refer to as the southern
25 portions of the district that involve Coconut Grove?

1 A. Yes.

2 Q. Do you have opinions about how the northern
3 part of the district, from Brickell up to Edgewater,
4 should be configured?

5 A. Yes.

6 Q. And how should those be configured?

7 A. I still think the Morningside, Upper East Side
8 area should be contained more into District 2.

9 Q. Populationwise, do you know if it's possible to
10 include the Morningside areas in District 2, if it's
11 configured in this matter?

12 A. I think that may have been affected because of
13 the change in the population from the census.

14 Q. Because District 2 was overpopulated?

15 A. Yes.

16 Q. And they needed to get rid of that population
17 and give it to another district?

18 A. Yes.

19 Q. Do you know if any of the changes that were
20 made in plaintiffs' Plan 1, 2, or 3 were drawn with the
21 intent to favor a particular race?

22 A. No.

23 Q. No, you don't know?

24 A. Rephrase the question. I'm sorry.

25 Q. Sure.

1 Let's start with District 5 and Plan 1.

2 Do you believe that was drawn with the aim of
3 electing a Black candidate?

4 A. Yes.

5 Q. District 1 in Map 1, do you believe that was
6 drawn with the aim of electing a Black or Hispanic
7 candidate?

8 A. Same map we're talking about? Map 1?

9 Q. Map 1.

10 A. Yeah. Yes.

11 Q. And for District 3, do you believe that was
12 drawn with the aim of electing a Hispanic candidate?

13 A. Same map?

14 Q. Same Map 1.

15 A. "District 3," you said?

16 Q. Yes, ma'am.

17 A. Yes. Yes.

18 Q. And for Map 1, District 4, that was also drawn
19 with the aim of electing a Hispanic candidate; correct?

20 A. Yes.

21 Q. Let's talk about Map 2, then.

22 Do you believe -- well, before we go to Map 2,
23 District 2, do you believe that was drawn with the aim
24 of electing a candidate of a particular race?

25 A. Yes.

1 Q. And what race do you believe that was drawn to
2 be?

3 A. White non-Hispanic or Hispanic.

4 Q. And what's your basis for that?

5 A. Just what I perceive as the racial makeup of
6 that district, as I know it.

7 Q. Okay. All right. Let's talk about Map 2,
8 then. And we're only talking about Map 2, but we'll
9 kind of run through the same questions.

10 For District 1, do you believe that was drawn
11 with the aim of electing a Hispanic candidate?

12 A. No.

13 Q. Okay. Do you believe that was drawn with the
14 aim of electing a candidate of a particular race or
15 ethnicity?

16 A. Yes.

17 Q. And what race or ethnicity was that drawn with
18 the aim to --

19 A. Black.

20 Q. Black?

21 A. Black.

22 Q. And for District 2 in that district -- I'm
23 sorry. For District 2 in that Map 2, what race was
24 District 2 designed to elect?

25 A. White non-Hispanic or Hispanic.

1 Q. And District 3, what race was that designed
2 to -- or what race was that district designed to elect?

3 A. Hispanic.

4 Q. Is that the same for District 4 as well?

5 A. Yes.

6 Q. And District 5 was drawn to elect a Black
7 candidate?

8 A. Primarily, yes. But Hispanic as well. I would
9 say that that's a swing area, too.

10 Q. Okay. So plaintiffs' Map 2 could swing Black
11 or Hispanic, in your opinion?

12 A. Yes.

13 Q. Do you know if it was drawn to be a swing
14 district?

15 A. Yes.

16 Q. And let me just kind of -- my question was "Did
17 you know?" Let me ask the follow-up question.

18 Was it drawn to be a swing district?

19 A. I don't know.

20 Q. Well, now you've confused me, Ms. Cooper.

21 A. I'm sorry. I'm sorry.

22 Q. That's okay. We're here to --

23 A. I'm sorry.

24 Q. -- sort those things out.

25 I asked if you knew whether it was drawn, and

1 you said, "Yes." And then when I asked you if it was
2 drawn, you said, "I don't know."

3 A. Yeah. Well -- okay. I feel that it was drawn
4 to be that way --

5 Q. Okay.

6 A. -- as a swing district because of the racial
7 makeup of those areas.

8 Q. Okay. And that helps me out tremendously.

9 So now we can go back to Map 3. And we'll run
10 through the questions for this.

11 For District 1, do you believe District 1 was
12 drawn to elect a particular race or ethnicity?

13 A. Yes.

14 Q. And what race or ethnicity was District 1 drawn
15 to elect?

16 A. Hispanic.

17 Q. Hispanic?

18 For District 2, what race or ethnicity in Map 3
19 was that drawn to elect?

20 A. White non-Hispanic or Hispanic.

21 Q. And for District 3, what race or ethnicity was
22 that drawn to elect?

23 A. Hispanic.

24 Q. And the same question for District 4.

25 A. Hispanic.

1 Q. And District 5?

2 A. Black.

3 Q. Okay. For District -- well, hold that
4 question.

5 (Defendant's Exhibit Number 82-37, Map 4, was
6 marked for Identification.)

7 BY MR. LEVESQUE:

8 Q. I am now going to show you what we'll mark as
9 Defendant's Exhibit 82-37.

10 MR. MERKEN: Thank you.

11 BY MR. LEVESQUE:

12 Q. Ms. Cooper, have you seen this map before?

13 A. Yes.

14 Q. And did you see it before it was filed with the
15 court on July 6th, 2023?

16 A. Yes.

17 Q. Did you approve this map for filing with the
18 court?

19 A. Personally?

20 Q. Yes, ma'am.

21 A. Was I asked personally?

22 Q. Yes, ma'am.

23 A. For my opinion on it?

24 Q. Yes, ma'am.

25 A. I'm sure I gave my opinion.

1 Q. Okay.

2 A. And I approved it.

3 Q. And in this map, District 1, what race or
4 ethnicity is that likely to elect, in your opinion?

5 A. Black.

6 Q. And do you believe it was drawn to elect a
7 Black representative?

8 A. Yes.

9 Q. And District 2 is substantially similar to
10 District 3. Do you believe that was also designed to
11 elect a white non-Hispanic representative or a Hispanic
12 representative?

13 MR. MERKEN: Objection.

14 THE WITNESS: These are over in Districts 2 and
15 3. But in District 3, probably Hispanic, I'm
16 saying, because those demographics have changed.

17 BY MR. LEVESQUE:

18 Q. Okay. But we're talking about District 2.

19 A. Oh, District 2? Okay.

20 Q. What race or ethnicity do you believe that was
21 designed to elect?

22 A. White non-Hispanic or Hispanic.

23 Q. And I have the attention span of a gnat, so --
24 I know you said what you thought District 3 was. What
25 race or ethnicity do you believe District 3 was designed

1 to elect?

2 A. Primarily Hispanic.

3 Q. And then for District 4?

4 A. Hispanic.

5 Q. And then, finally, District 5?

6 A. 5 or 4?

7 Q. 5.

8 A. Black.

9 Q. And that version of plaintiffs' Map 4, do you
10 know if that splits Overtown at all?

11 A. No, I don't think it's split.

12 Q. Are you familiar with the borders of Overtown?

13 A. Somewhat.

14 Q. Are there areas of the borders where people
15 might consider Overtown -- strike that question.

16 Are there areas of that area that some people
17 might consider part of Overtown and others might not
18 depending on whether they're working off of community
19 redevelopment --

20 A. Yes.

21 Q. -- district definition --

22 MR. MERKEN: Objection. Objection.

23 Speculation.

24 BY MR. LEVESQUE:

25 Q. Are the areas of what is considered Overtown

1 crystal clear in your mind?

2 A. Yes.

3 Q. Okay. And why are they crystal clear in your
4 mind?

5 A. Because of my familiarity with that area.

6 Q. Okay. And do you base your familiarity just on
7 walking around?

8 A. Yeah. Well, actually, it's more than that,
9 but --

10 Q. Okay. What other things would you base your
11 familiarity on?

12 A. Well, going back 60, 70 years ago, there were a
13 lot of business services, restaurants, entertainment
14 value that that area had that we partook of from all
15 over -- all over the city -- all over the county,
16 actually, and just being familiar with the people who
17 live there and where their homes were before they were
18 eroded by the expressways that came through, 95, 836, as
19 you know.

20 Q. Uh-huh.

21 A. And just -- just based on that.

22 Q. And you mentioned the areas that were eroded by
23 the expressways, like I-95. What was the effect that
24 that expressway had on that area?

25 A. Mass displacement of the residents.

1 Q. Okay. And it also cut the residents who were
2 on the west side of I-95 off from those on the east
3 side; correct?

4 A. Yes.

5 Q. Is Overtown one of those areas where there's
6 significant gentrification?

7 A. That's evolving, but, yeah, a lot of changes.
8 It's like a lot of people wouldn't identify it anymore
9 who have been away for a period of time.

10 Q. And there's significant gentrification in some
11 of those areas, like in the southern parts of Little
12 Haiti; correct?

13 A. Yes.

14 Q. And that's something that you're aware of just
15 from being a 72-year resident of Miami-Dade; right?

16 A. Yes.

17 Q. Since I've put your name on the record, you're
18 aging very well, by the way.

19 A. Thank you.

20 Q. I hope I'm so lucky.

21 You mentioned that District 1 was drawn to --
22 and Map 4 was drawn to elect a Black candidate. Do you
23 believe that was drawn to displace the currently
24 suspended commissioner, Commissioner
25 Diaz de la Portilla?

1 A. No.

2 Q. Commissioner Diaz de la Portilla is a Hispanic
3 representative; correct?

4 A. Yes.

5 Q. If it was drawn to elect a Black
6 representative, is he going to have a hard time winning
7 in that district?

8 MR. MERKEN: Objection. Speculation.

9 BY MR. LEVESQUE:

10 Q. You can answer if you have an opinion.

11 THE WITNESS: I can go ahead?

12 MR. MERKEN: Yes.

13 THE WITNESS: Okay.

14 No, I don't think he would have a hard time.

15 BY MR. LEVESQUE:

16 Q. You don't think he would have a hard time
17 winning in that district?

18 A. No.

19 Q. Even though it was drawn to elect a Black
20 representative?

21 A. Well, he's still on the ballot.

22 Q. I understand he's on the ballot for the current
23 map.

24 A. Uh-huh.

25 Q. But if the map looked like this, hypothetically

1 speaking, and it was drawn to elect a Black candidate,
2 do you think he's going to do as well if he was on the
3 ballot in that particular configuration?

4 A. It's hard to say, but I think he will.

5 Q. Now, in nearly all -- actually, strike that.

6 In all of plaintiffs' maps that we just
7 reviewed -- 1, 2, 3, and 4 -- they all draw the western
8 part of the city that incurred -- includes the Flagami
9 area in a single district, District 4.

10 Do you know why that was done?

11 A. Just for District 4?

12 Q. Yes, ma'am.

13 A. To keep that representation intact because
14 that's primarily how it was drawn before.

15 Q. If I could ask you to look back at the 1997
16 plan.

17 A. Yeah. Let me -- that's what I was referring
18 to, yeah.

19 Q. And comparing plaintiffs' Map 4 with the 1997
20 plan, you can see in the 1997 plan that that area,
21 Flagami, is split between --

22 A. Yes.

23 Q. -- District 1 and District 4; correct?

24 A. Yes.

25 Q. And if you look at the 2003 plan, some minor

1 border changes, but the area is still split between --

2 A. Uh-huh.

3 Q. -- District 1 and 4; correct?

4 A. Yes.

5 Q. And then 2013 plan, again, some minor changes
6 but still split between District 1 and 4; correct?

7 A. Yes.

8 Q. And then in each of the '22 -- 2022 plan and
9 the 2023 plan, that area, Flagami, is still split
10 between District 1 and District 4; correct?

11 A. Yes.

12 Q. Okay. So in all of the prior versions of
13 District -- of the district map for District 2, from
14 1997 to 2013, Coconut Grove is kept whole; correct?

15 A. Yes.

16 Q. Now, for all four of the plaintiffs' plans,
17 none of them keep that area, Flagami, the same as it's
18 been drawn from 1997 through the present.

19 A. Uh-huh.

20 Q. Is there a reason why Coconut Grove should be
21 kept the way that it's been drawn since 1997 but Flagami
22 should not be kept the way that it's been drawn since
23 1997?

24 A. Tough question. Well, I think a lot of it has
25 to do with the demographics. The demographic changes in

1 that area. Like, Grapeland Heights, from what it had
2 become, seems to be more in tune with Flagami, what that
3 is now as well.

4 Q. Okay. Can you explain that a little bit more.

5 A. Okay. In the previous maps, before the
6 plaintiffs' maps, when the Flagami area was divided into
7 two, you see where Grapeland Heights and Allapattah was,
8 in that one district, District 1, there have been some
9 significant changes racially in those areas since those
10 maps were -- were drawn.

11 Q. Okay.

12 A. Like, more Hispanics.

13 Q. Okay. So Grapeland Heights, in your
14 understanding, is becoming more Hispanic?

15 A. Yeah.

16 Q. Okay. And District 1 is currently a Hispanic
17 district; correct?

18 A. Well, that area from way back was -- was white
19 non-Hispanic, and they had an area called "Railroad Shop
20 Addition" that had Black residents there. And they were
21 forced to leave that area, but sometime in the late '50s
22 and '60s, that became like a primarily Black area, and
23 there's still been like an influx of Hispanics that have
24 come in there.

25 Because that's even shifted. Like a lot of

1 these areas, like Little Haiti, that wasn't always
2 Little Haiti; that was like Lemon City. So we've seen a
3 lot of demographic changes, even within some of these
4 later models here.

5 Q. Okay. And there's a lot there.

6 A. Yeah, I know. I'm sorry. I'm sorry.

7 Q. I was holding on the best that I could to
8 follow it.

9 So when you were talking about some of those
10 areas, let's kind of slow down. Grapeland Heights is an
11 area that has historically been linked with District 1;
12 correct?

13 A. Yes.

14 Q. And it's your understanding that Grapeland
15 Heights is becoming more Hispanic; correct?

16 A. Yes.

17 Q. And then if you look at the plans from 1997
18 through the current, District 1 elects the Hispanic
19 representative; correct?

20 A. Yes.

21 Q. In all of plaintiffs' maps, Grapeland Heights
22 seems to be included not in District 1 but in
23 District 4.

24 Do I understand that correctly?

25 A. Yes.

1 Q. Is there a reason why you would you move those
2 Hispanic residents from District 1 and put them in
3 District 4?

4 A. There are probably some other concerns there
5 that are probably bigger than the racial makeup of the
6 area.

7 Q. Okay. What are some of those concerns?

8 A. The proximity to the airport, to that Melreese
9 golf course. Some of those issues like that.

10 Q. Okay. Would it be fair to say that when it
11 comes to Grapeland Heights, Grapeland Heights could be
12 included in either District 1 or District 4 for
13 nonracial reasons?

14 A. Yes.

15 Q. And let me kind of go back to my original
16 question, then.

17 In all of plaintiffs' maps, they split -- or
18 strike that.

19 They combine Flagami into a single district,
20 District 4. Do you know why that was done?

21 A. No.

22 Q. You attended some of the city commission
23 meetings; correct?

24 A. Yes.

25 Q. Did you hear anyone from any of those areas

1 saying, "Please put Flagami in a single district"?

2 A. Not that I can recall, no.

3 (Defendant's Exhibit Number 24-37, Affidavit,
4 was marked for Identification.)

5 BY MR. LEVESQUE:

6 Q. Ms. Cooper, I am going to show you what we're
7 going to mark as Defendant's Exhibit 24-37.

8 MR. MERKEN: Thank you.

9 BY MR. LEVESQUE:

10 Q. Ms. Cooper, have you seen this document before?

11 A. Yes.

12 Q. In paragraph 3, you indicate that you're
13 president of the Coconut Grove Village West Homeowners
14 and Tenants Association?

15 A. Yes.

16 Q. Is that the association that you referenced
17 earlier that was part of the social organization network
18 that was affiliated with the Alliance of Black
19 Ministers -- I know that's not what they're called, but
20 the Coconut Grove Ministerial Alliance --

21 A. No.

22 Q. Okay.

23 A. A separate organization.

24 Q. Okay. Is the Coconut Grove Village West
25 Homeowners and Tenants Association in any way affiliated

1 with GRACE?

2 A. Yes.

3 Q. What is their affiliation?

4 A. We're one of the organizational members.

5 Q. And let me ask about that.

6 Does GRACE have individual members and
7 organizational members?

8 A. Yes.

9 Q. Do you know if GRACE keeps a member registry?

10 A. Yes.

11 Q. Do you know if GRACE did an analysis of its
12 members to figure out which districts its members live
13 in?

14 A. No.

15 Q. And is that, no, you don't know, or, no, they
16 didn't do an analysis?

17 A. No, an analysis was not done.

18 Q. In paragraph 4, you say, "I care deeply about
19 my community and I want what is best for Miami, the West
20 Grove, and Coconut Grove."

21 The way that I read that sentence is there are
22 subsets that you're referencing in each of those.

23 A. Yes.

24 Q. You've got Miami as a whole. You've got the
25 West Grove next. And then you've got Coconut Grove.

1 A. Yes.

2 Q. So there are areas with distinct identities.
3 Wouldn't you agree?

4 A. Yes.

5 Q. I believe you testified earlier the needs that
6 are experienced in the West Grove are not necessarily
7 the same needs that are experienced in the rest of the
8 areas of Coconut Grove; correct?

9 A. Yes.

10 Q. Paragraph 5, you say that "The process of
11 creating the map should have been fairer, including to
12 Black residents of Miami."

13 How was the process that the City used in
14 drawing the 2022 plan unfair?

15 A. As I stated before, I think that when The Grove
16 was shown to be split into three different groups, that
17 that was going to even diminish our leverage as far as
18 getting what we wanted to happen as improvements for
19 West Grove.

20 Q. Did the Black residents of The Grove -- Coconut
21 Grove as an entirety -- primarily live in the West
22 Grove?

23 A. Yes.

24 Q. You would agree that that concern, then,
25 wouldn't apply to areas like the North Grove or the

1 other Grove areas other than the West Grove that do not
2 have as many Black residents; correct?

3 A. Yes.

4 Q. In paragraph 6, you say, "As a resident of the
5 newly enacted city commissioner -- commission
6 District 2, I am concerned that Black residents, like
7 me, have been artificially stripped from my district on
8 the basis of our race."

9 I want to pack that down a little bit.

10 When you say artificially stripped from your
11 district, which district are you referring to?

12 A. The District 2.

13 Q. Okay. But in every plan you're in District 2;
14 correct?

15 A. Yes.

16 Q. So whether it's any of the plaintiffs' plans or
17 any of the City's plans, you live in District 2
18 regardless?

19 A. Yes.

20 Q. Do you think you should have been in a
21 different district?

22 A. No.

23 Q. Okay. Is that an accurate statement, then, in
24 terms of being artificially stripped from your district,
25 if you've resided in District 2 and continue to reside

1 in District 2?

2 A. Well, initially, when these plans were in
3 formation, of course, there was some talk about where I
4 am being put into District 4, because I live right
5 underneath the Bird Road and US 1 and also Day Avenue.
6 They were talking about making that a boundary and even
7 below that. Not as far down as Grand, because I live
8 off of -- just north of Grand Avenue. But they were
9 talking about bringing it down further, which it would
10 have taken me out of District 2.

11 Q. Okay. Well, let me kind of pause.

12 First, I showed you your declaration. You've
13 seen this before; correct?

14 A. Uh-huh.

15 Q. Did you draft it?

16 A. Not entirely, no.

17 Q. Okay. This was filed with the court on
18 February 10th, and it looks like you executed it on
19 February 1st, 2023.

20 A. Uh-huh.

21 Q. At that time, the '22 -- 2022 plan would have
22 been in effect.

23 A. Uh-huh.

24 Q. So the 2022 plan didn't strip you from your
25 district, did it?

1 A. No, not that I -- no, not me personally.

2 Q. And I guess where it says "I'm concerned that
3 Black residents, like me, have been artificially
4 stripped from my district on the basis of our race," to
5 be clear, there might have been other people that that
6 happened to, but that didn't happen to you?

7 A. No.

8 Q. In paragraph 7, it says "Because of the way the
9 map was drawn and the reasons the commission gave for
10 drawing it."

11 What are the ways that the map was drawn, and
12 what are the reasons the commission gave for drawing it
13 that you're referencing there?

14 MR. MERKEN: Objection to form.

15 MR. LEVESQUE: And your counsel had a fairly
16 well-timed and well-taken objection. I'm assuming
17 it's because it's a compound question. So let me
18 break that up.

19 BY MR. LEVESQUE:

20 Q. In that -- you say "Because of the way the map
21 was drawn."

22 What are the ways that the map was drawn that
23 you object to?

24 A. That it took away some of the neighborhoods in
25 Coconut Grove in District 2. And as I stated before, I

1 was concerned about that taking away the influence of
2 anything that was going to happen for any Coconut Grove
3 property owners or residents. And then they did
4 remove -- as shown on the current maps, that they did
5 remove some areas of District 2 that were in Coconut
6 Grove.

7 Q. But some of those areas, it has less to do with
8 race, because those are some pretty white or Hispanic
9 areas, and more to do with just diminishing the voice of
10 Coconut Grove; correct?

11 A. Yes.

12 Q. In that paragraph, you also say "Because of the
13 reasons the commission gave for drawing the map that it
14 drew."

15 In this case, you're referencing the 2022 map.
16 What are some of the reasons the commission gave for
17 drawing the map the way it drew the map?

18 A. It still had to do with the census and how they
19 were going to try to redistribute the population and to
20 put them into different districts as they were being
21 drawn.

22 Q. Okay. Were they discussing it in terms of
23 race, or were they discussing in terms of the
24 neighborhood, or were they discussing it in a wide
25 variety of ways?

1 A. Just wide variety.

2 Q. In paragraph 8, you say, "Coconut Grove is a
3 cohesive neighborhood with particular interests."

4 What are the particular interests that you're
5 referring to in terms of it being a cohesive
6 neighborhood?

7 A. Well, most Coconut Grove-ites, which I've been
8 all my life, were concerned about preserving our legacy.
9 Those of us who have ancestors who came from different
10 parts of the country and also the Bahamas and elsewhere.
11 And as time went on, that was being fragmented, and we
12 were trying to keep that all together regardless of our
13 race or where we live as part of The Grove. And as I
14 said, our influence about being there and our interests
15 not being protected.

16 Q. Okay.

17 A. And even though city hall is in Coconut Grove,
18 you know, that's just the place where it is.

19 Q. Okay. Well, in which district? Articulate it
20 there in terms of the cohesive interest.

21 It sounds like that has less to do with race
22 and more to do with just sort of preserving the nature,
23 the character of The Grove as a whole; correct?

24 A. Yes, but race plays a part of it, too. See, we
25 still rely on the other parts of Coconut Grove. We --

1 everybody helps each other out, all the different
2 communities. Like, me living in West Grove, I've been
3 approached by people from North Grove or Center Grove
4 for anything that they want to have placed before the
5 City or the County.

6 Q. Okay. And when you say -- you referenced race
7 but then talked about people approaching you.

8 Are people that are approaching you for your
9 support the same race as you or are they different
10 races?

11 A. No, different races.

12 Q. Okay. So there's -- it sounds like -- and if
13 this is a fair characterization, let me know.

14 It sounds like there's more racial cooperation,
15 from your perspective, in District 2?

16 A. Yes.

17 Q. As it relates to Coconut Grove?

18 A. Yes.

19 Q. But on the same hand, there's also different
20 interests in terms of what you've got going on in West
21 Grove and what you've got going on in the rest of The
22 Grove?

23 A. Yes.

24 Q. In paragraph 9 -- and, again, you're talking
25 about the 2022 plan.

1 You say, "I'm deeply worried that the
2 commission ignored the outcry from the public,
3 particularly Black residents of the West Grove who
4 opposed splitting our community."

5 You would agree that the Black portions of the
6 West Grove were, in fact, included back in District 2 in
7 the --

8 A. Uh-huh.

9 Q. -- 2023 plan; correct?

10 A. Yes.

11 Q. And that was a good move by the City
12 independent --

13 A. Yes.

14 Q. In that paragraph, you assert that "The
15 commission chose to divide Coconut Grove for racial
16 reasons to separate cohesive communities along racial
17 lines and achieve their preferred racial balance for the
18 map."

19 Let's look back at that 2023 plan, which would
20 be Defendant's Exhibit 82-24.

21 Now, I think you testified earlier that in
22 addition to creating that little foot in District 3 that
23 goes down into The Grove, that that change was also
24 potentially intended to increase the Hispanic population
25 in District 3?

1 A. Yes.

2 Q. Did I get that correct?

3 A. Yes.

4 Q. Do you know what effect that had on whether it
5 boosted or diminished the Hispanic population in
6 District 2?

7 A. Diminished. Because, see, that would be going
8 into District 3 at that point.

9 Q. Okay. So if it's diminishing the population in
10 District 2 to make it less Hispanic, does that make
11 District 2 more white?

12 A. Not necessarily, no.

13 Q. Okay. Looking at the plaintiffs' plans, do you
14 know if they have a higher white voting-age population
15 than any of the City's plans?

16 A. It was Map 4 or any of the maps?

17 Q. Any of plaintiffs' maps. Do you know if any of
18 their maps for District 2 have a higher white voting-age
19 population than -- we'll start with the 2023 plan.

20 A. Which map was that, sir? I'm sorry.

21 Q. I'm referring to -- I'm asking you to compare
22 that plan --

23 A. Oh, okay.

24 Q. -- with any of the plaintiffs' maps. And we're
25 looking at District 2.

1 And do you know if District 2 -- in any of the
2 plaintiffs' maps, if the white voting-age population is
3 higher or lower than what is depicted in the 2023 plan?

4 And, Ms. Cooper, it's not intended to be a
5 test.

6 A. Okay.

7 Q. "I don't know" is a perfectly acceptable answer
8 if it's the truthful answer.

9 A. "If it was their intention," you said? Can you
10 repeat the question. I'm sorry.

11 Q. Actually, I'm just asking you if you know one
12 way or another whether District 2 in any of the
13 plaintiffs' plans has a whiter population than the
14 population that's represented in the City's
15 2023 District 2.

16 A. No. No.

17 Q. No? No, you don't know?

18 A. No, I don't know.

19 Q. Would it surprise you if it was?

20 A. Possibly, yes. It would.

21 MR. LEVESQUE: I'll tell you what. Can we take
22 a ten-minute break? I think I might be almost done.
23 I'm not going to represent that I'm done, but I'm
24 almost. If I can have like ten minutes to just
25 organize, I might be able to get us out.

1 THE WITNESS: Yeah.

2 MR. MERKEN: Can we use the room next door?

3 MR. LEVESQUE: Yes, absolutely.

4 (Thereupon, a recess was taken in the
5 deposition, after which the deposition continued as
6 follows:)

7 MR. LEVESQUE: Back on the record.

8 (Defendant's Exhibit Number 24-13,
9 February 7th, 2022, transcript of the Miami City
10 Commission, was marked for Identification.)

11 BY MR. LEVESQUE:

12 Q. Ms. Cooper, I am going to show you what I'm
13 going to mark as Defendant's Exhibit 24-13.

14 MR. MERKEN: Could we have a copy, please.

15 MR. LEVESQUE: Sure.

16 MR. MERKEN: Thank you.

17 MR. LEVESQUE: The only difference is I've got
18 a cover page on hers for clarity.

19 MR. MERKEN: Okay.

20 BY MR. LEVESQUE:

21 Q. And, Ms. Cooper, I will represent to you that
22 this is a transcript of the February 7th, 2022, Miami
23 City Commission meeting that you spoke at, and,
24 specifically, this is a transcript of the statements
25 that you made to the city commission.

1 Have you seen this transcript before?

2 A. No.

3 Q. Okay. In looking at the transcript, do you
4 believe this accurately reflects what you told the
5 commission?

6 A. Yes.

7 Q. And at the bottom of page 25, line 20 --
8 beginning on line 20, the first sentence there says you
9 "... told the commission removal of any part of the
10 Coconut Grove Village West from District 2 to be in and
11 next to an adjoining district will place in jeopardy the
12 painstaking strides for improvements and revitalization
13 that has been made towards regarding the West Grove
14 Community Redevelopment Agency."

15 So as I read that statement, the primary areas
16 you were concerned with at that February 7th meeting was
17 what the commission was proposing to do with that area
18 of Coconut Grove Village West; correct?

19 A. Yes.

20 Q. And you were also -- if you flip to page 26,
21 you were also concerned that there was not enough
22 opportunity for people to hear and consider what was
23 going on, and you suggested that they should have more
24 meetings; isn't that true?

25 A. Yes.

1 Q. And, in fact, they did have more meetings,
2 didn't they?

3 A. Yes.

4 Q. So they listened to you. You were an effective
5 advocate.

6 A. Yep.

7 Q. And you also requested that they withhold
8 deliberation on the topic until the rest of the Coconut
9 Grove residents have been fully apprised.

10 A. Yes.

11 Q. And that wasn't the only commission meeting
12 that you spoke at, was it?

13 A. I would have to check my calendar. I believe
14 there may have been one or two others.

15 Q. Okay. And do you recall if they were before or
16 after February 7th?

17 A. Of last year?

18 Q. Yes, ma'am.

19 A. I have to look at my calendar.

20 (Defendant's Exhibit Number 24-14,
21 February 25th, 2022, transcript of the Miami City
22 Commission, was marked for Identification.)

23 BY MR. LEVESQUE:

24 Q. Okay. I am going to show you Defendant's
25 Exhibit 24-14.

1 MR. MERKEN: Thank you.

2 BY MR. LEVESQUE:

3 Q. I'll represent to you that that is a transcript
4 of the February 25th, 2022, morning session of the Miami
5 City Commission meeting that you presented to the
6 commission.

7 Does that transcript look like it accurately
8 reflects your statement to the commission?

9 A. Yes.

10 Q. And in that commission meeting, you indicated
11 that you were here on behalf of the Coconut Grove
12 Village West Homeowners and Tenants Association.

13 Did the association have a vote to designate
14 you as its representative for that meeting?

15 A. Yes.

16 Q. Are there minutes whereby they made that --
17 that designation as recorded?

18 A. Well, what we usually do is prepare a statement
19 and submit it to the board, and they vote on it.

20 Q. Okay.

21 A. And that would be strictly for presentation
22 before any electorate body of people.

23 Q. And how many members of the board are on the
24 Coconut Grove Village West Homeowners and Tenants
25 Association?

1 A. We have ten members.

2 Q. And are they all residents of the West Grove?

3 A. Yes, except one person.

4 Q. Does that one person still live in Coconut
5 Grove?

6 A. He was born and raised in Coconut Grove.

7 Q. Okay. Where does he reside now?

8 A. City of South Miami.

9 Q. So he no longer resides within the city limits,
10 then?

11 A. No.

12 Q. And at least in terms of the city processes,
13 after that first meeting where you said, "Please hold
14 more meetings," they held more meetings, and you were
15 able to present your views to the city commission at
16 that meeting as well; correct?

17 A. Yes.

18 (Defendant's Exhibit Number 24-16, March 11th,
19 2022, transcript of the Miami City Commission
20 meeting, was marked for Identification.)

21 BY MR. LEVESQUE:

22 Q. I'm going to show you what we're going to mark
23 as Defendant's Exhibit 24-16.

24 MR. MERKEN: Thank you.
25

1 BY MR. LEVESQUE:

2 Q. Ms. Cooper, I'll represent that this is a
3 transcript of the March 11th morning session --
4 March 11th, 2022, morning session of the city
5 commission, and a transcription of your statements to
6 the commission.

7 In looking at that document, does that appear
8 to be an accurate recording or transcription of your
9 statement to the commission?

10 A. Yes.

11 Q. And on line 11, you reference "Commissioner
12 Russell has offered an alternative, which I think needs
13 to be looked at because it does keep The Grove together
14 and that's what we're all here about."

15 Do you recall what happened with Commissioner
16 Russell's alternative proposal?

17 A. It was voted down by his other commissioners.

18 Q. Okay. So at least in regards to that
19 particular question, Commissioner Russell wasn't able to
20 persuade two other commissioners to go along with him;
21 correct?

22 A. Exactly, yes.

23 Q. Do you know -- do you recall what the vote was
24 for that, whether it was a 3-2 vote or a 4-1 vote?

25 A. Probably 4-1.

1 Q. Now, on line 16, you reference what are called
2 "NCD 2 revisions."

3 What are NCD 2 revisions?

4 A. Well, Miami 21, which is the zoning code for
5 the city of Miami, has within its body several
6 neighborhood conservation districts for different
7 neighborhoods. And we have two in Coconut Grove. NCD
8 2, as we refer to it as, it's for the West Grove
9 specifically and our "island district," as it's called,
10 where we try to maintain our architectural integrity, if
11 you will, towards the Bahamian vernacular.

12 And in NCD 3 it's a little different because it
13 covers the larger Coconut Grove area. And we have been
14 in the process of trying to get revisions to that code
15 to protect us from the gentrification and also the
16 influx of the overdevelopment in The Grove, especially
17 with the -- what we call "sugar cubes," "white boxes."
18 You may have seen those in The Grove and throughout the
19 city of Miami.

20 Q. And so the sugar --

21 A. They're called sugar -- they're white boxes.
22 They take up the whole lot.

23 Q. Okay. So to put it in layman's terms, someone
24 will buy a lot -- or buy a house, tear it down, and
25 put -- put up an all-white house where the structure

1 takes up the bulk of the lot?

2 A. Right.

3 Q. And both the geographic areas of NCD 2 and the
4 geographic areas of the West Grove CRA that you also
5 mentioned, those are all within the West Grove; correct?

6 A. Yes.

7 Q. And both of those areas in the 2023 plan, the
8 City added back into District 2; correct?

9 A. Yes.

10 Q. And if we could go back to your declaration,
11 Document 24-37. And in the last paragraph of -- or the
12 last sentence of page 9 -- I apologize.

13 On page 2, in the last sentence of paragraph 9,
14 you state that "It greatly concerns me that the
15 commission chose to divide Coconut Grove for racial
16 reasons, to separate cohesive communities on racial
17 lines and achieve their preferred racial balance for the
18 map."

19 What do you believe the commission's preferred
20 racial balance for the map is?

21 A. Well, to just not give any significant amount
22 of representation to the Black community, West Grove in
23 particular.

24 Q. And what do you mean by that?

25 A. Well, with the truncation of the Coconut Grove

1 community in District 2, as we were, we figured that --
2 as I said before, that that was going to take away from
3 some of the support that we were going to have available
4 to us from other parts of Coconut Grove and to try to
5 get accomplished some of the goals that we have set for
6 our community.

7 Q. And I apologize. I'm having a hard time --

8 A. It's okay.

9 Q. I'm having a hard time tracking -- let's go
10 back to your final statement there, that you felt that
11 the City was drawing a line -- district lines to achieve
12 their preferred racial balance for the map.

13 What do you believe the City's preferred racial
14 balance to the map is?

15 A. To make it more Hispanic.

16 Q. Okay. You recognize the City still drew a
17 Black district; correct?

18 A. Excuse me?

19 Q. You recognize the City still drew a Black
20 district, District 5; correct?

21 A. It boiled down to that initially. I thought
22 that was also a part of their design too, not to even
23 have a Black district with the -- what was happening
24 with Overtown and that other surrounding area.

25 Q. Well, at any time were they talking about

1 keeping Overtown out of District 5?

2 A. I don't -- I'm not really sure about that.

3 Q. Okay.

4 A. But it appeared from the different maps that
5 had been submitted that they -- that that was a concern.
6 But, of course, we were mainly concerned about what
7 happened in our neighborhood, West Grove.

8 Q. But in the 2023 plan, you personally were in a
9 white district; correct?

10 A. Uh-huh.

11 Q. Do you feel that you would be better
12 represented by a white representative than a Hispanic
13 representative?

14 A. Not necessarily, no.

15 Q. Okay. Was it something about the current
16 representatives that currently held District 4 and
17 District 3 that you had concerns with?

18 A. Yes.

19 Q. Were you aware that Commissioner Carollo was
20 terminated out of office?

21 A. Yes.

22 Q. And, obviously, you don't know who's going to
23 replace Commissioner Carollo yet, do you?

24 A. No.

25 Q. Would it be fair to say that it's possible for

1 a Hispanic to be elected to District 3 that could care
2 for the interests of those in Coconut Grove that are in
3 this district?

4 A. They could or could not? "Could," you said?

5 Q. Could.

6 A. Could?

7 Q. Could.

8 A. Could? Yes. Because the names are already on
9 the ballot, so --

10 Q. Well, Commissioner Carollo in District 3 is up
11 for election in 2025.

12 A. No, not at this time, no. But there's been
13 talk about him -- that he's running.

14 Q. Who have you heard talked about to running for
15 his seat in 2025?

16 A. That, I can't recall.

17 Q. But you do recall that whoever that might be,
18 they might have an interest in protecting the Grove-ites
19 that live in District 3?

20 A. (Witness nodding.)

21 Q. Is that a "yes"?

22 A. Yes.

23 MR. LEVESQUE: Ms. Cooper, I don't have any
24 more questions. Your counsel might have a few
25 follow-up. And depending on what he asks, I might

1 have some follow-ups after that.

2 CROSS-EXAMINATION

3 BY MR. MERKEN:

4 Q. Ms. Cooper, you testified earlier regarding a
5 number of court filings made by the plaintiffs in this
6 case.

7 Do you remember that?

8 A. Yes.

9 Q. Were you part of the process of preparing court
10 filings in this case?

11 A. No.

12 Q. Was your input included in court filings in
13 this process?

14 A. I'm not sure. No.

15 Q. You also recall you testified about the
16 plaintiffs' purpose in drawing P-1, P-2, P-3, and P-4,
17 specifically the intentions with those maps.

18 Do you recall that testimony?

19 A. Yes.

20 Q. What was your basis for testifying about the
21 intention in plaintiffs' Proposed Maps 1, 2, 3, and 4?

22 A. Well, to keep it fair as far as the
23 proportioning of the -- the residents in those
24 districts.

25 Q. Was part of that -- strike that.

1 Ms. Cooper, is your testimony about the intent
2 of plaintiffs' four proposed remedial maps based on
3 things that occurred before the maps were drawn or based
4 on your review of them today?

5 A. Probably my review of them today.

6 MR. MERKEN: Okay. No further questions.

7 REDIRECT EXAMINATION

8 BY MR. LEVESQUE:

9 Q. Ms. Cooper, you just mentioned that -- and I
10 might get this wrong, but part of the maps were --
11 plaintiffs' maps were intended to keep a fair
12 proportion.

13 What did you mean by "a fair proportion"? Was
14 that -- let me just stop there.

15 A. Well, since everything, the redistricting all
16 had to do with the census, and they were trying to
17 fulfill the requirement, I guess, of keeping, like, The
18 Grove being over -- the District 2 being overpopulated
19 to make it more accurate as far as representation by
20 different groups of people.

21 Q. So when you were referring to fairer
22 population -- I'm sorry, fairer proportions --

23 A. Proportions.

24 Q. -- you're referring to the process of drawing
25 districts that are generally equal in size?

1 A. Yes.

2 Q. So the fairer proportion that you're talking
3 about has nothing to do with race. It has to do with
4 making sure that District 2 has roughly the same number
5 of residents as Districts 1 through 4; is that correct?

6 A. Yes.

7 Q. Okay. And is it your understanding that
8 plaintiffs' Maps 1 through 4 do that better than the
9 City's maps?

10 A. I think so, yes.

11 Q. Okay. And if the numbers bear that out, the
12 numbers are going to be what the numbers are; correct?

13 A. Right, yes.

14 Q. And so when you were referencing "fairer
15 proportion," it has nothing to do with race there, does
16 it?

17 A. Well, from whose standpoint?

18 Q. Well, from your standpoint.

19 A. From my standpoint? Okay. Yes.

20 Q. When you were talking about the plaintiffs'
21 maps having --

22 A. Yeah, right. Yeah.

23 Q. -- a fairer proportion, you were only referring
24 to the equal population part. You weren't referring to
25 a fairer proportioned district based upon race; correct?

1 A. Well, I think that the racial element is to be
2 considered there, yes.

3 Q. Okay. So in your -- in your opinion, it would
4 be okay to consider race in drawing the districts?

5 A. Yes.

6 Q. And would you agree that whether it's the
7 City's map or any of the plaintiffs' maps, that they all
8 provide generally three Hispanic districts, one Black
9 district, and one -- what I'll call a coastal district
10 that doesn't have a racial majority?

11 A. Yes.

12 Q. You would agree with that?

13 A. Yes.

14 MR. LEVESQUE: I have no further questions.

15 MR. MERKEN: I think we're done.

16 MR. LEVESQUE: Okay. Thank you, ma'am.

17 Thank you, Ms. Cooper. I hope it was at least
18 better than going to the dentist.

19 We're off the record.

20 Read? Waive?

21 MR. MERKEN: Read.

22 (Thereupon, the deposition was concluded at
23 12:30 p.m.)

24

25

CERTIFICATE OF OATH

STATE OF FLORIDA:

COUNTY OF MIAMI-DADE:

I, VANESSA OBAS, RPR, Notary Public, State of Florida, do hereby certify that CLARICE COOPER personally appeared before me on October 9, 2023 and was duly sworn and produced her driver's license as identification.

Signed this 23rd day of October, 2023.



VANESSA OBAS, RPR

Notary Public, State of Florida

My Commission No.: HH 428338

Expires: September 13, 2027

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CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF MIAMI-DADE:

I, VANESSA OBAS, RPR, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of CLARICE COOPER; that a review of the transcript was requested; and that the foregoing transcript, pages 5 through 106, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 23rd day of October, 2023.



VANESSA OBAS, RPR

1 October 26, 2023

2 CLARICE COOPER

c/o DECHERT LLP

3 929 Arch Street

Philadelphia, Pennsylvania 19104

4 christopher.merken@dechert.com

5 In Re: October 9, 2023, Deposition of CLARICE COOPER

6 Dear CLARICE COOPER:

7 The above-referenced transcript is available for review.

8 You should read the testimony to verify its accuracy.

9 If there are any changes, you should note those with the
reason on the attached Errata Sheet.

10 You should, please, date and sign the Errata Sheet and
e-mail to the deposing attorney as well as to Veritext
11 at transcripts-fl@veritext.com and copies will be
emailed to all ordering parties.

12
13 It is suggested that the completed errata be returned 30
days from receipt of testimony, as considered reasonable
under Federal rules*, however, there is no Florida
14 statute to this regard.

15 If the witness fails to do so, the transcript may be
used as if signed.

16
17 Yours,

18
19 Veritext Legal Solutions
20

21 Waiver:

22 I, _____, hereby waive the reading and signing
of my deposition transcript.

23 _____
Deponent Signature

Date

24
25 *Federal Civil Procedure Rule 30(e)/Florida Civil
Procedure Rule 1.310(e)

[& - 24-80]

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FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under rule 1.330(d)(4).

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VERITEXT LEGAL SOLUTIONS

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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